

CHAPTER NO. 664

SENATE BILL NO. 2148

By Davis

Substituted for: House Bill No. 2146

By Ferguson, McMillan

AN ACT To amend Tennessee Code Annotated, Title 40, Chapter 32, relative to fees charged for the destruction of certain public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the first sentence of subsection (d)(2) and substituting instead the following:

After the effective date of this act, a defendant petitioning a court for expungement of records because the charge against such person was dismissed as a result of the successful completion of a diversion program pursuant to §§ 40-15-102 -- 40-15-106 shall be assessed a fifty dollar (\$50.00) fee.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subsection:

( ) It is the intent of the General Assembly that no fee ever be charged a person who is petitioning a court for expungement of records because:

(1) The charge against such person was dismissed for a reason other than the successful completion of a diversion program pursuant to §§ 40-15-102 -- 40-15-106 or §40-35-313;

(2) A no true bill was returned by a grand jury;

(3) A verdict of not guilty was returned by a jury;

(4) The conviction was reversed upon appeal; or

(5) The person was arrested and released without being charged.

SECTION 3. Tennessee Code Annotated, Section 40-32-101, is further amended by adding the following new subsection (a)(6):

(6) All public records of a person who has been convicted of an offense that was committed prior to such person's twenty-first birthday shall, upon petition by such person to the court having jurisdiction over the original conviction, be removed and destroyed if such person:

(A) Petitions for destruction within one (1) year of the effective date of this act;

(B) Has not been convicted of an offense except for the offense to which the petition pertains;

(C) Was not convicted of a sexual offense as defined by § 40-39-102(3);


(D) Was granted a gubernatorial pardon for such offense between January 1, 1998 and December 31, 1998; and

(E) Pays a fee to be established by the court for the destruction of such public records provided such fee shall not exceed twenty-five dollars (\$25.00).

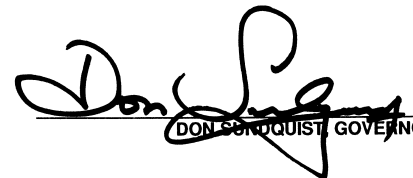
SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 10, 2000**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 25<sup>th</sup> day of April 2000**

  
DON SUNDQUIST, GOVERNOR